

REMARKS

The Official Action rejected Claims 1-3, 8 and 11-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,996,782 to Martin A. Parker, et al. The Official Action also rejected Claims 4-7, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over the Parker '782 patent in view of U.S. Patent No. 5,732,184 to Phillip C.J. Chao, et al. As described in more detail below, independent Claims 1 and 16 have been amended in order to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. Based on the amendments to independent Claim 1, dependent Claim 4 has been amended and dependent Claim 5 has been canceled. Additionally, Claims 18-27 which were withdrawn in light of an election made in response to a prior restriction requirement have now been canceled without prejudice to presentation in a subsequently filed divisional application. New independent Claim 31 has been added and it is submitted that new independent Claim 31 should be considered along with independent Claims 1 and 16 in that new independent Claim 31 is a method claim that includes comparable recitations with respect to the application and apparatus of independent Claims 1 and 16, respectively. Further, dependent Claims 11 and 14 have been amended and new dependent Claims 28-30 and 32-34 have been added in order to further highlight other unique aspects of the claimed invention. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the amended claims are respectfully requested.

Independent Claim 1 is directed to an application that includes a computer readable storage medium having computer-readable program instructions embodied therein. The computer-readable program instructions include first instructions for generating a media view that segments time into time units and second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view. As now amended, independent Claim 1 further recites that the second instructions generate the topographic view "so as to individually represent media file quantity for each of a plurality of different media file types". In addition, the second instructions "concurrently display the individual representations of the media file quantity for each of the plurality of different media file types in relation to the same time

units.” For example, Figures 2-4 depict line graphs of five different media file types indicating the quantity of each different media file type over the course of time.

In regards to the rejection of dependent Claim 5 that previously recited that a topographic view was generated that graphically distinguished between media files based on media file type, the Official Action noted that the Parker ‘782 patent failed to teach or suggest any distinction in the graphical representation based on media file type. However, the Official Action cited the Chao ‘184 patent and submitted that Figure 3 of the Chao ‘184 patent disclosed graphically distinguishing between media files of different media file types based upon the separate identification of avi files and audio files. In conjunction with a video editing system, the Chao ‘184 patent illustrates a time line with a representation of various different types of files that exist for different segments of time. While the Chao ‘184 patent does illustrate having different types of files, such as avi files and wav files during the same period of time, the Chao ‘184 patent, even if combined with the Parker ‘782 patent, does not teach or suggest the generation of a topographic view that individually represents media file quantity for each of a plurality of different media file types by concurrently displaying the individual representations of the media file quantity for each of the different media file types in relation to the same time units, as set forth by amended independent Claim 1.

In this regard, the Parker ‘782 patent discloses a histogram that illustrates various digital objects organized according to predetermined time periods. As noted by the Parker ‘782 patent, the digital objects may include various types of files, such as audio files, digitized music or voice annotation files, digital video segments, text documents, graphic file, database objects or the like. See, for example, column 3, lines 1-5 and column 3, lines 65- column 4, line 10 of the Parker ‘782 patent. Even though the Parker ‘782 patent contemplates a variety of different types of digital objects, the histogram does not provide any indication of the type of digital objects that are present in any particular time period. Instead, the histogram is a bar graph illustrating the number of digital objects per time period, but not the type of video objects. Thus, even if the Chao ‘184 patent and its disclosure of different types of files within the same time period were combined with the Parker ‘782 patent, the resulting combination would still display a histogram illustrating the number of objects during each predetermined time period without separately indicating the number of each different type of digital object within a respective time period since this is currently what is

provided by the system of the Parker '782 patent for the various different types of digital objects. Thus, the combination of cited references would still fail to teach or suggest second instructions that are configured to generate the topographic view "so as to individually represent media file quantity for each of a plurality of different media file types ... [and] ... to concurrently display the individual representations of the media file quantity for each of the plurality of different media file types in relation to the same time units", as now set forth by amended independent Claim 1.

Independent Claim 16 has been amended to include comparable recitations to those described above in conjunction with independent Claim 1 in regards to the individual representations of media file quantity for each of a plurality of different media file types and the concurrent display of the individual representations of the media file quantity for each of the different media file types in relation to the same time unit. Further, new independent method Claim 31 includes corresponding recitations.

For each of the foregoing reasons, independent Claims 1 and 16, as amended, and independent Claim 31, as newly presented, are not taught or suggested by the cited references, taken either individually or in combination. Thus, the rejections of independent Claims 1 and 16, as well as the claims which depend therefrom, are overcome.

The dependent claims include each of the recitations of a respective independent claim and are therefore patentably distinct from the cited references, taken either individually or in combination, for at least the same reasons as described above in conjunction with the independent claims. However, several of the dependent claims include additional recitations that further patentably distinguish the claimed invention from the cited references. In this regard, dependent Claims 3, 28 and 32 further define the media file quantity to be the storage volume of media files. The Official Action points to the Parker '782 patent in regards to the rejection of dependent Claim 3. However, the histogram generated by the Parker '782 patent does not illustrate media file quantity as a storage volume of the media files and, instead, merely creates a histogram based on a number of media files with no accounting for the size of the various media files. See, for example, column 4, lines 19-21 of the Parker '782 patent which states that "[t]he length of graphical bar 80 represents the relative number of objects in the chosen database in a given date bin on timelines 82

and 84.” Thus, dependent Claims 3, 28 and 32 are also patentably distinct from the cited references, taken either individually or in combination, for this additional reason.

Dependent Claims 11, 29 and 33 further describe the generation of a zoom mechanism that provides for a more detailed graphical representation of media files than provided by the topographic view including a graphical representation of the media files in accordance with more finely divided units than in the topographic view with both at least a portion of the topographic view and the more detailed graphical representation of the media files being concurrently displayed. See, for example, Figure 5 of the present application which illustrates a more detailed graphical representation 400 overlayed upon the topographic view. Neither of the cited references teach or suggest dependent Claims 11, 29 and 33. Indeed, with respect to original dependent Claim 11, the Official Action cited the Parker ‘782 patent and in particular cited the more detailed representation depicted in Figure 6E relative to that depicted in Figure 6D. While Figure 6E of the Parker ‘782 patent does provide a more finely divided time scale over a shorter time window than that depicted in Figure 6D, the Parker ‘782 patent fails to teach or suggest the concurrent display of both at least a portion of the topographic view and a more detailed graphical representation of the media files, as now set forth by dependent Claims 11, 29 and 33. Since the Chao ‘184 patent also fails to teach or suggest at least the same recitation, it is submitted that dependent Claims 11, 29 and 33 are patentably distinct from the cited references, taken either individually or in combination, for at least this additional reason.

Dependent Claims 14, 30 and 34 describe the generation of lenses for identifying areas within the topographic view that include results of a search of the media files with the lenses having different characteristics in order to represent different searches or different amounts of media files that satisfy the search. Neither of the cited references teach or suggest the generation of lenses as set forth by dependent Claims 14, 30 and 34. Indeed, the Official Action cites the Parker ‘782 patent in relation to original dependent Claim 14 with particular citation to Figure 6B which illustrate the selection of one bar of the histogram and a display of a number of digital objects that comprise the chosen bar. However, neither the Parker ‘782 patent including that portion of the Parker ‘782 patent related to Figure 6B nor the Chao ‘184 patent teaches or suggests the generation of lenses having distinct characteristics to represent different searches or different amounts of media

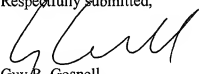
files that satisfy the search as now set forth by dependent Claims 14, 30 and 34. Thus, dependent Claims 14, 30 and 34 are patentably distinct from the cited references, taken either individually or in combination, for at least this additional reason.

CONCLUSION

In view of the amended claims and the remarks presented above, the Applicants submit that the claims are in condition for immediate allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Guy R. Gosnell
Registration No. 34,610

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON March 5, 2010.